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Attorneys for Plaintiffs

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In Re:

RACHAEL EARL,

Debtor

RACHAEL EARL, an individual,

Plaintiff,

vs.

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR GSAA 2007-9 BY ITS
ATTORNEY IN FACT WELLS FARGO
BANK N.A., SUCCESSOR BY MERGER TO
WELLS FARGO HOME MORTGAGE INC.,
MICHAEL A. BOSCO, JR. AS TRUSTEE,
PAULA GRUNTMEIR, MARICOPA
COUNTY NOTARY PUBLIC, AND DOES
1-10,000;

Defendants.

Case No.: 2:10-bk-27333

Adversary No.: 2:10-ap-02243-SSC

**PLAINTIFF'S MOTION TO
VACATE ORDER**

Honorable Sarah Sharer Curley

Plaintiff, Rachael Earl, hereby requests the Court vacate the order granting
dismissal with prejudice as to her injunction claims and Michael A. Bosco Jr. and Paula

1 Gruntmeir. Plaintiff requests that the dismissal be granted without prejudice on the
2 Injunction claim as well as against Defendants Michael A. Bosco, Jr. and Paula
3 Gruntmeir for the following reasons:
4

5 Plaintiff's claim for Injunction was granted by the Court and then dissolved as a
6 matter of law due to the Anti-Injunction Act based solely upon Plaintiff's prior judgment
7 for Forcible Detainer in the Superior Court of Arizona. The Forcible Detainer judgment
8 is currently on appeal, and dependent upon the outcome of the appeal, Plaintiff may again
9 request an Injunction from this Court should the judgment be overturned on appeal. The
10 order as written would prevent any injunction claims against any of the named
11 Defendants, and would be res judicata on the claim of injunction.
12

13 Additionally, Plaintiff alleges wrongdoing in her Complaint against Michael A.
14 Bosco, Jr., the alleged trustee over her real property as well as Paula Gruntmeir,
15 Maricopa County Notary Public. Plaintiff did not bring specific claims against these
16 parties in her Complaint and agreed to dismissal on those grounds, but the facts of the
17 Complaint remain, and Plaintiff requests the ability to reserve the right to bring additional
18 claims against these parties in the future and requests that the Court not bar future claims
19 that also allege the specific set of facts presented in the Complaint.
20
21

22 WHEREFORE, Plaintiff requests that the signed order be vacated and that the
23 dismissals be without prejudice, rather than as written, so as to not bar future claims for
24 Injunction against all Defendants and would not bar Plaintiff from filing other claims
25 with the same set of facts against Michael A. Bosco Jr. and Paula Gruntmeir.
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1 DATED this 22nd day of June, 2012

2 **LAW OFFICES OF KEVIN JENSEN, PLLC**

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5 By /s/ Kevin Jensen
6 Kevin Jensen
7 Attorneys for Plaintiff

8 **ORIGINAL** of the foregoing filed
9 this 22nd day of June, 2012, with:

10 **U.S. BANKRUPTCY COURT**
11 **DISTRICT OF ARIZONA**
12 230 North First Avenue, Suite 101
13 Phoenix, Arizona 85003-1727

14 **Steven D. Jerome**
15 **SNELL & WILMER L.L.P.**
16 One Arizona Center
17 400 E. Van Buren
18 Phoenix, Arizona 85004-2202

19 **TIFFANY AND BOSCO, P.A.**
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/s/ Lisa Orr